

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SECTRA COMMUNICATIONS AB et al.,

Plaintiffs,

v.

ABSOLUTE SOFTWARE, INC., et al.,

Defendants.

Case No. C22-353RSM

ORDER GRANTING DEFENDANTS'  
MOTION TO CONTINUE TRIAL AND  
REMAINING DEADLINES

This matter comes before the Court on Defendants' Motion seeking to continue trial and all remaining deadlines in this case. Dkt. #326. Plaintiffs have filed an opposition brief. Dkt. #333. No party has requested oral argument.

Under the current case schedule, the deadline to exchange rebuttal expert reports is January 30, 2024, with completion of expert discovery on February 9 and dispositive motions due February 23, 2024. Dkt. #279. The current trial date is July 15, 2024. *Id.*

A cursory glance at the docket makes clear that this case is not ready for final expert reports now or dispositive motions in February. Currently pending are, *inter alia*: a Motion to Dismiss Mobile Sonic, Inc.'s Third Amended Counterclaim, filed by Plaintiff Sectra Communications AB; a Motion to Compel, filed by Sectra; and a Motion for Leave to Amend Counterclaim and Infringement Contentions filed by Defendant Mobile Sonic, Inc. Dkts. #256,

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#276, and #318. In addition, the Court has recently granted in part Defendants' Motion to Dismiss with leave for Plaintiff to amend within thirty days. Dkt. #325. In sum, the pleadings are in flux and discovery is not yet resolved.

A scheduling order "may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). The decision to modify a scheduling order is within the broad discretion of the district court. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992). "Rule 16(b)'s 'good cause' standard primarily considers the diligence of the party seeking amendment." *Id.* at 609. If a party has acted diligently yet still cannot reasonably meet the scheduling deadlines, the court may allow modification of the schedule. *Id.* However, "if that party was not diligent, the inquiry should end" and the motion to modify should not be granted. *Id.* Local Civil Rule 16(m) states that "this rule will be strictly enforced" in order to "accomplish effective pretrial procedures and avoid wasting the time of the parties, counsel, and the court."

It is not reasonably possible for the parties or the Court to continue on the existing schedule. Plaintiffs have failed to demonstrate prejudice from Defendants' proposed extension of deadlines. Under the above circumstances, the Court finds good cause to continue all remaining case deadlines in this case. Deadlines that have already passed are not continued.

Having reviewed the relevant briefing and the remainder of the record, the Court hereby finds and ORDERS that Defendants' Motion seeking to continue trial and all remaining deadlines in this case, Dkt. #326, is GRANTED as follows:

Event	Current Dates	New Dates
Rebuttal expert disclosures/reports	1/30/2024	4/12/2024
Expert discovery completed	2/9/2024	4/26/2024

Dispositive and <i>Daubert</i> motions	2/23/2024	5/10/2024
Responses to dispositive and <i>Daubert</i> motions	3/12/2024	5/31/2024
Replies to dispositive and <i>Daubert</i> motions	3/12/2024	6/14/2024
Trial	7/15/2024	10/15/2024

DATED this 26<sup>th</sup> day of January, 2024.



RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE